

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**RUTH SMITH, Individually and as Widow
for the Use and Benefit of Herself and the
Next of Kin of RICHARD SMITH, Deceased,**

Plaintiff,

-against-

PFIZER INC., et al.,

Defendants.

Case #: 3:05-00444

Judge Trauger

**DECLARATION OF ANDREW G. FINKELSTEIN, ESQ., IN OPPOSITION
TO DEFENDANTS' MOTION TO STRIKE LATE FILED RULE 26 DISCLOSURES**

I, Andrew G. Finkelstein, declare and state as follows:

1. I am a partner with the law firm of Finkelstein & Partners, LLP, attorneys of record for Plaintiff Ruth Smith.
2. This declaration is submitted in opposition to Defendants' motion to strike late filed Rule 26 disclosures.
3. The following documents are attached hereto in support of this motion:
 - Exhibit A - Defendants' initial Rule 26 disclosures dated November 15, 2007
 - Exhibit B - Plaintiff's supplement Rule 26 disclosure dated October 9, 2007
 - Exhibit C - Plaintiff's supplemental Rule 26 disclosure dated June 11, 2008
 - Exhibit D - Plaintiff's supplemental Rule 26 disclosure dated August 13, 2008
 - Exhibit E - Plaintiff's supplemental Rule 26 disclosure dated August 5, 2009
 - Exhibit F - Defendants' supplemental Rule 26 disclosure dated December 12, 2007
 - Exhibit G - Defendants' supplemental Rule 26 disclosure dated March 4, 2009

Exhibit H – Excerpts from the transcript of the deposition of Ruth Smith on April 17, 2007

Exhibit I - Joint Scheduling Order which extended the completion of all Fact Deposition and Discovery in the *Bulger v. Pfizer Inc.* case in the MDL in the U.S. District Court, District of Massachusetts.

Exhibit J - Plaintiff's September 22, 2009 supplemental Rule 26 disclosure in *Shearer v. Pfizer Inc.*

Exhibit K – Plaintiff's October 30, 2009 supplemental Rule 26 disclosure in *Shearer v. Pfizer Inc.*

I declare the foregoing statements are true and correct under the penalties of perjury, this the 19th day of February, 2010.



Andrew G. Finkelstein

CERTIFICATE OF SERVICE

I hereby certify that on this the 19th day of February, 2010, I electronically filed the foregoing document with the Clerk of the Court, United States District Court for the Middle District of Tennessee, using the CM/ECF system. True and correct copies of the foregoing Declaration of Andrew G. Finkelstein, Esq., in Opposition to Defendants' Motion to Strike Late Filed Rule 26 Disclosures are being served via the Court's CM/ECF system on the following:

Aubrey B. Harwell, Jr., Esq.
W. David Bridgers, Esq.
Gerald D. Neenan, Esq.
Neal & Harwell, PLC
2000 One Nashville Place
150 Fourth Avenue, North
Nashville, TN 37219

Prince C. Chambliss, Jr., Esq.
Evans & Petree, PC
1000 Ridgeway Loop Road, Suite 200
Memphis, TN 38120

W. Mark Lanier, Esq.
Dara G. Hegar, Esq.
Ken S. Soh, Esq.
Maura Kolb, Esq.
Robert Leone, Esq.
Lanier Law Firm
6810 FM 1960 West
Houston, TX 77069

and a true and correct copy of the foregoing is being served via e-mail on the following

Mark S. Cheffo, Esq.
Skadden, Arps, Slate, Meagher & Flom LLP
Four Times Square
New York, NY 10036
Email: Mark.Cheffo@skadden.com

/s/ Kenneth B. Fromson
Kenneth B. Fromson